IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 16573 of 2002

Between:

Shaik Silar S/o. Abdul Salam
Andhra Prabha Daily Piduguralla
Guntur District

..... PETITIONER

AND

1 The Superintendent of Police,
Guntur, Guntur District
2 The Station House Officer,
Piduguralla Police Station, Guntur District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ, order or Direction declaring the action of the respondents in not starting the investigation and in not even registering the Crime as illegal, arbitrary, against to the principles of Natural Justice and consequently direct the respondents to complete the investigation expeditiously and pass such other order or orders as are necessary in the interest of justice.

Counsel for the Petitioner: MR.KIRAN KUMAR VADLAMUDI

Counsel for the Respondents: GP FOR HOME

The Court made the following :

ORDER:

The petitioner claims to be a journalist working with “Andhra Prabha Daily”. He filed a compliant before the Court of the I Additional Munsif Magistrate, Guruzala, under Sections 468 and 500 read with Section 149 of the Indian Penal Code, 1860. The learned Magistrate forwarded the compliant to the Police under Section 156(3) of the Code of Criminal Procedure, 1973 (Cr.P.C) vide C.F.R.No.1786 of 2002. He alleged that though the complaint was referred, the Police did not commence the investigation. Therefore, he filed the writ petition seeking a direction to the Police to complete the investigation now.

After receiving notice, the second respondent filed a counter affidavit in September 2002 stating that the investigation is in progress. The learned Assistant Government Pleader is not able to submit regarding the latest stage of investigation.

Therefore, in spite of keeping the writ petition pending any further orders, the same is disposed of directing the second respondent to file a report before the learned I Additional Munsif Magistrate, Guruzala, within a period of two weeks from the date of receipt of a copy of this order, as to the stage of investigation. If the investigation is already completed and a final report is filed under Section 173(2) of Cr.P.C., it shall be open to the petitioner to approach the learned Magistrate for obtaining a copy of the report.

The writ petition, with the above observation, is accordingly disposed of. No costs.

_____

(V.V.S.RAO, J)

23.06.2005

vs

To

1 The Superintendent of Police
Guntur, Guntur District
2 The Station House Officer
Piduguralla Police Station, Guntur District

3 2 CCs to the Government Pleader for Home, High Court Buildings, Hyderabd.

4 2 CD copies.